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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 LASHAWN BUTLER,

No. 04-2268 MMC

12 Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR REASSESSMENT,
CONSTRUED AS MOTION TO SET
ASIDE JUDGMENT**

13 v.

14 NORDSTROM, INC.,

15 Defendant
16 _____/

17 The Court is in receipt of plaintiff's letter, filed September 5, 2007, by which plaintiff
18 requests reassessment of the instant action, in which judgment was entered in favor of
19 defendant on August 26, 2005. Plaintiff asserts that she has discovered new evidence in
20 support of her claims and that defendant may have engaged in misconduct during the
21 course of the instant action. The Court construes plaintiff's request for reassessment as a
22 motion to set aside the judgment, pursuant to Rule 60(b) of the Federal Rules of Civil
23 Procedure.

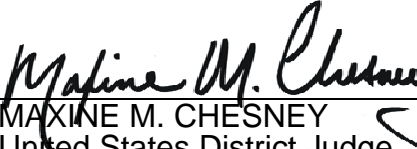
24 A judgment may be set aside on the basis of "newly discovered evidence which by
25 due diligence could not have been discovered in time to move for a new trial," or because
26 of "fraud . . . , misrepresentation, or other misconduct of an adverse party." See Fed. R.
27 Civ. P. 60(b). A motion to set aside a judgment on such grounds, however, must be made
28 "not more than one year after the judgment . . . was entered." See id. Because more than

1 two years have passed since entry of judgment, plaintiff's motion is untimely.

2 Accordingly, plaintiff's request, construed as a motion to set aside the judgment, is
3 hereby DENIED.

4 **IT IS SO ORDERED.**

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6 Dated: September 7, 2007


MAXINE M. CHESNEY
United States District Judge